**Calendar No. 751**

| 101ST CONGRESS *2d Session* | SENATE | REPORT 101-405 |
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# TO AMEND THE ARCTIC RESEARCH AND POLICY ACT OF 1984 TO IMPROVE AND CLARIFY ITS PROVISIONS

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## REPORT

OF THE

## COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

## S. 677

TO AMEND THE ARCTIC RESEARCH AND POLICY ACT OF 1984 TO IMPROVE AND CLARIFY ITS PROVISIONS

JULY 31 (legislative day, JULY 10), 1990.—Ordered to be printed

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Mr. GLENN, from the Committee on Governmental Affairs, submitted the following

## REPORT

[To accompany S. 677]

The Committee on Governmental Affairs, to which was referred the bill (S. 677) to amend the Arctic Research and Policy Act of 1984, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

### I. PURPOSE OF THE BILL

The Arctic Research and Policy Act of 1984 (P.L. 98-373) and implementing Executive Order 12501 established the Arctic Research Commission and the Interagency Arctic Research Policy Committee. These bodies were charged with developing and implementing a comprehensive coordinated research policy to guide the nation's scientific efforts in the Arctic.

The Arctic Research Commission is made up of five members appointed by the President. Three of the Commissioners are appointed from among members of the academic community with expertise in areas of research relating to the Arctic. One Commissioner is appointed from among individuals familiar with the Arctic and the needs of private industry performing resource development in the Arctic. One Commissioner is appointed from among the indigenous residents of the Arctic. The Director of the National Science Foundation is an ex officio member of the Commission.

The Interagency Committee is chaired by the Director of the National Science Foundation, and is made up of representatives of the Departments of Commerce, Defense, Energy, Interior, State, Transportation, Health and Human Services. Representatives of the National Aeronautics and Space Administration and the Environmen-

tal Protection Agency are also members of the Committee, as well as representatives of other agencies that are deemed appropriate.

Since the passage of the Arctic Research and Policy Act, the Commission and the Interagency Committee have worked together to produce a research policy which accurately reflects the important role that the Arctic plays in national security, energy supply, communications capability, fisheries production, international transportation network, environmental interests and climate change research efforts. The Commission and the Interagency Committee will continue to develop and implement this policy as new research priorities become apparent.

To facilitate the work of the Commission and the Interagency Committee, several technical amendments to the Arctic Research and Policy Act are necessary. These changes, which have been agreed upon by each of the affected bodies, are contained in S. 677. This legislation expands the Commission from five members to seven in order to broaden the scope of scientific discussion (and ensure a quorum at business meetings). S. 677 also makes the Interagency Committee more responsive to Commission recommendations, and modifies and eliminates certain redundant reporting requirements.

The Committee on Governmental Affairs believes that the changes contained in S. 677 will enable the Commission and the Interagency Committee to perform their statutory duties more effectively, build upon progress to date, and help the nation meet increasing international challenges and opportunities in the Arctic.

## II. Legislative History

Senator Frank Murkowski, for himself and Senator Ted Stevens, introduced a Bill to Amend the Arctic Research and Policy Act, S. 677, on March 17, 1989. S. 677 was referred for consideration to the Subcommittee on Federal Services, Post Office, and Civil Service of the Committee on Governmental Affairs.

Senator Murkowski drafted a series of amendments to reflect modifications and technical corrections suggested by the Interagency Committee and the Commission. These changes were incorporated into an amendment in the nature of a substitute which was unanimously adopted by the Subcommittee on April 26, 1990. With one amendment (striking an exemption from the Federal Advisory Committee Act for the Commission's technical advisors), the Committee favorably reported the bill, as amended by the Subcommittee, by unanimous voice vote on June 7, 1990.

## III. Section-by-Section Analysis

### SECTION ONE

References in S. 677 to amendments or repeals of provisions refer to the Arctic Research and Policy Act of 1984, unless otherwise specified in the Act.

### SECTION TWO

The membership of the Arctic Research Commission is expanded from five members to seven. This section authorizes the appoint-

ment by the President of one additional Commissioner from the academic community and one additional Commissioner from the business community. The makeup of the Commission would then be as follows: four members from the academic community with expertise in areas of research relating to the Arctic, two members representative of the needs and interests of private industry undertaking resource development in the Arctic, and one member appointed from among the indigenous residents of the Arctic.

This expansion would broaden the knowledge base of the Commission, allowing a broader scope of scientific inquiry and more diverse views on research priorities. The additional members would also help ensure a quorum at Commission business meetings.

SECTION THREE

This section authorizes limited compensation to Commissioners at a daily rate equivalent to a GS–18 level employee. This has little practical effect, as Commissioners are compensated only for actual days donated to meetings, and then only if the individual Commissioner is not otherwise employed. At present, only one Commissioner, who is retired, receives a salary for this service on the Commission.

It is important, however, that the Commission maintain parity with similar Federal entities. This amendment would authorize compensation of Commissioners at the same rate as members of the Marine Mammal Commission, after which the Arctic Research Commission is basically structured.

SECTION FOUR

As enacted, different subsections of section 104(a) of the Arctic Research and Policy Act give the Arctic Research Commission authority to make either "recommendations" or "suggestions." The Committee believes it would be helpful to eliminate this inconsistency by designating the Commission's functions uniformly. This section would give the Commission authority to make recommendations where it is currently only authorized to make suggestions. Besides making section 104(a) internally consistent, this section would make the Commission's authority similar to that of the Marine Mammal Commission, and would strengthen public and agency perception of the Commission's statutory function.

This section would also provide express authority for the Commission to recommend to the Interagency Committee means to promote scientific cooperation in the Arctic. Such cooperation is essential if the objectives of the Arctic Research and Policy Act are to be met.

Finally, this section requires the Commission to file its goals and objectives report (required by section 104(b) of the Arctic Research and Policy Act) biennially rather than annually in order to be consistent with the biennial requirement to update the Federal Arctic Research Plan (required by section 109(a) of the Act).

SECTION FIVE

The Committee believes that the Commission cannot provide the expertise that its mission requires unless it is allowed to call occa-

sionally upon the service of outside specialists. The Commission has done this in the past on an informal basis, but it is necessary to amend the Arctic Research and Policy Act to give the Commission express authority to do so. Advisors to the Commission would not be compensated, but could be allowed travel expenses, including per diem in lieu of subsistence.

A provision originally included in S. 677, which would have exempted advisors to the Commission from the Federal Advisory Committee Act, has been deleted from the bill as reported by the Committee.

### SECTION SIX

It is vital that the recommendations of the Arctic Research Commission be thoroughly considered and promptly acted upon by the Interagency Committee. This section would ensure such a response by requiring the Interagency Committee to report biennially not only on the recommendations of the Commission, but also on the Interagency Committee's response to those recommendations. Both the Commission and the Committee agree that this requirement will further improve the working relationship between the two bodies.

This section would also delete a provision requiring the Interagency Committee to report biennially on the activities of the Commission. This report is redundant, as the Commission will be required to report biennially on its own activities.

## IV. Evaluation of Regulatory Impact

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate "the regulatory impact which would be incurred in carrying out the bill."

S. 677 will not have any direct regulatory impact. It does not authorize any additional regulation of activities in the private sector, impose any new recordkeeping or reporting requirements on any segment of the public, or abolish any exisiting regulations.

## V. Cost Estimate of Legislation

The cost estimate prepared by the Congressional Budget Office is contained in the following letter from its Director:

U.S. Congress,
Congressional Budget Office,
*Washington, DC, July 9, 1990.*

Hon. John Glenn,
*Chairman, Committee on Governmental Affairs,*
*U.S. Senate, Washington, DC.*

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 677, a bill to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions, as ordered reported by the Senate Committee on Governmental Affairs, June 7, 1990.

CBO estimates S. 677, if enacted, would not have any significant effect on the federal budget or on the budget of any state or local government. The bill would make a number of changes to the re-

porting requirements and other provisions of the statute governing the Arctic Research Commission.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Michael Sieverts, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
*Director.*

## VI. CHANGES IN EXISTING LAWS

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 677, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 98–373 [15 U.S.C. 4101, et seq.]; JULY 31, 1984

AN ACT To provide for a comprehensive national policy dealing with national research needs and objectives in the Arctic, for a National Critical Materials Council, for development of a continuing and comprehensive national materials policy, for programs necessary to carry out that policy, including Federal programs of advanced materials research and technology, and for innovation in basic materials industries, and for other purposes

* * * * * * *

SEC. 103. ARCTIC RESEARCH COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an Arctic Research Commission (hereafter referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of [five] *seven* members appointed by the President, with the Director of the National Science Foundation serving as a nonvoting, ex officio member. The members appointed by the President shall include—

(A) [three] *four* members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

(B) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resource development; and

(C) [one member] *two members* appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(2) The President shall designate one of the appointed members of the Commission to be chairperson of the Commission.

(c) * * *

(d) COMPENSATION AND TRAVEL EXPENSES; FEDERAL EMPLOYEE STATUS; MEETINGS; OBSERVER-DESIGNEES.—(1) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5. A member of the Commission not presently employed for compensation shall

be compensated at a rate equal to the daily equivalent of the rate for [GS–16] *GS–18* of the General Schedule under section 5332 of Title 5 for each day the member is engaged in the actual performance of his duties as a member of the Commission, not to exceed 90 days of service each year. Except for the purposes of chapter 81 of Title 5 [5 U.S.C.A. § 8101 et seq.] (relating to compensation for work injuries) and chapter 171 of Title 28 [28 U.S.C.A. § 2671 et seq.] (relating to tort claims), a member of the Commission shall not be considered an employee of the United States for any purpose.

* * * * * * *

SEC. 104. DUTIES OF COMMISSION; PUBLICATION OF GUIDELINES; REPORT TO CONGRESS.

(a) The Commission shall—

(1) develop and recommend an integrated national Arctic research policy;

(2) in cooperation with the Interagency Arctic Research Policy Committee established under section 4106 of this title, assist in establishing a national Arctic research program plan to implement the Arctic research policy;

(3) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and [suggest] *recommend* improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate and in accordance with the findings and purposes of this chapter;

(6) [suggest] *recommend* methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Committee established under section 4106 of this title as it may find appropriate; [and]

(8) cooperate with the Governor of the State of Alaska and with agencies and organizations of that State which the Governor may designate with respect to the formulation of Arctic research policy[.]*;*

*(9) recommend to the Interagency Committee the means for developing international scientific cooperation in the Arctic; and*

*(10) not later than January 31, 1991, and every 2 years thereafter, publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties.*

[(b) Not later than January 31 of each year, the Commission shall—

[(1) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 4106 of this title in the performance of its duties; and

[(2) submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.]

*(b) Not later than January 31 of each year, the Commission shall submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.*

* * * * * * *

SEC. 106. ADMINISTRATION.

The Commission may—

(1) in accordance with the civil service laws and subchapter III of chapter 53 of Title 5 [5 U.S.C.A. § 5331 et seq.], appoint and fix the compensation of an Executive Director and necessary additional staff personnel, but not to exceed a total of seven compensated personnel;

(2) procure temporary and intermittent services as authorized by section 3109 of Title 5;

(3) enter into contracts and procure supplies, services, and personal property; [and]

(4) enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in amounts to be agreed upon by the Commission and the Administrator of the General Services Administration[.]*; and*

*(5) appoint, and accept without compensation the services of, scientists and engineering specialists to be advisors to the Commission. Each advisor may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims) of the United States Code, an advisor appointed under this paragraph shall not be considered an employee of the United States for any purpose.*

* * * * * * *

SEC. 108. DUTIES OF INTERAGENCY COMMITTEE; REPORT TO CONGRESS.

(a) * * *

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President, a brief, concise report containing—

(1) a statement of the activities and accomplishments of the Interagency Committee since its last report; and

[(2) a description of the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.]

*(2) a statement detailing with particularity the recommendations of the Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.*

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